



NEW JERSEY REGISTER  
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**RULE ADOPTIONS**

**COMMUNITY AFFAIRS  
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING**

41 N.J.R. 3797(a)

**Readoption: N.J.A.C. 5:94**

**Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning on December 20, 2004**

Proposed: April 20, 2009 at 41 N.J.R. 1561(a).

Adopted: September 9, 2009 by New Jersey Council on Affordable Housing, Lucy Vandenberg, Executive Director.

Filed: September 11, 2009 as R.2009 d.303, **without change**.

Authority: N.J.S.A. 52:27D-301 et seq.

Effective Date: September 11, 2009.

Expiration Date: September 11, 2014.

As required by the Fair Housing Act (FHA) at N.J.S.A. 52:27D-307.5, the Council must adopt all rules, necessary for effectively carrying out the provisions and purposes of the act. To that end, the Council enacted N.J.A.C. 5:92 (first round rules), effective August 4, 1986, with subsequent amendments; N.J.A.C. 5:93 (second round rules), effective June 6, 1994, with subsequent amendments; and N.J.A.C. 5:94 (third round rules), effective December 20, 2004, and amended May 15, 2006 and August 20, 2007. On January 25, 2007, *In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing (and related cases)*, 390 N.J. Super. 1 (App. Div. 2007), the New Jersey Superior Court, Appellate Division affirmed in part, reversed in part, and remanded portions of the rules back to the Council for rulemaking. In its decision, the Appellate Division determined that substantive certifications granted prior to the date of its decision could remain in place. On January 22, 2007, the Council proposed new substantive and procedural rules, which became effective on June 2, 2008, with amendments effective October 20, 2008, as N.J.A.C. 5:96 and N.J.A.C. 5:97. N.J.A.C. 5:94 is being readopted to remain in place for the three municipalities, Buena Borough in Atlantic County, Washington Township in Morris County, and White Township in

Warren County, that were previously granted substantive certification by the Council under these rules, and said certifications were upheld by the Appellate Division in *In re Adoption of N.J.A.C. 5:94 and 5:95 by the Council on Affordable Housing*, 390 N.J. Super. 1, *certif. denied*, 192 N.J. 71 (2007).

The rules proposed for readoption without change were published in the New Jersey Register at 41 N.J.R. 1561(a) on April 20, 2009. The comment period closed on June 19, 2009.

**No comments were received.**

#### **Federal Standards Statement**

No Federal standards analysis is required because these rules are not being adopted in order to implement, comply with or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards or requirements.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:94.



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**RULE ADOPTIONS**

**COMMUNITY AFFAIRS  
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING**

41 N.J.R. 3797(b)

**Readoption: N.J.A.C. 5:95**

**Procedural Rules of the New Jersey Council on Affordable Housing for the Period Beginning on December 20, 2004**

Proposed: April 20, 2009 at 41 N.J.R. 1563(a).

[page=3798] Adopted: September 9, 2009 by New Jersey Council on Affordable Housing, Lucy Vandenberg, Executive Director.

Filed: September 11, 2009 as R.2009 d.304, **without change**.

Authority: N.J.S.A. 52:27D-301 et seq.

Effective Date: September 11, 2009.

Expiration Date: September 11, 2014.

As required by the Fair Housing Act (FHA) at N.J.S.A. 52:27D-307.5, the Council must adopt all rules, necessary for effectively carrying out the provisions and purposes of the act. To that end, the Council enacted N.J.A.C. 5:91, effective June 16, 1986 with subsequent amendments, and N.J.A.C. 5:95, effective December 20, 2004 and amended May 15, 2006 and August 20, 2007. On January 25, 2007, *In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing (and related cases)*, 390 N.J. Super. 1 (App. Div. 2007), the New Jersey Superior Court, Appellate Division affirmed in part, reversed in part, and remanded portions of the rules back to the Council for rulemaking. In its decision, the Appellate Division determined that substantive certifications granted prior to the date of its decision could remain in place. On January 22, 2007, the Council proposed new substantive and procedural rules, which became effective on June 2, 2008, with amendments effective October 20, 2008, as N.J.A.C. 5:96 and N.J.A.C. 5:97. N.J.A.C. 5:95 is being readopted to remain in place for the three municipalities, Buena Borough in Atlantic County, Washington Township in Morris County, and White Township in Warren County, that were

previously granted substantive certification by the Council under these rules, and said certifications were upheld by the Appellate Division in *In re Adoption of N.J.A.C. 5:94 and 5:95 by the Council on Affordable Housing*, 390 N.J. Super. 1, *certif. denied*, 192 N.J. 71 (2007).

The rules proposed for readoption without change were published in the New Jersey Register at 41 N.J.R. 1563(a) on April 20, 2009. The comment period closed on June 19, 2009.

**No comments were received.**

#### **Federal Standards Statement**

No Federal standards analysis is required because these rules are not being adopted in order to implement, comply with or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards or requirements.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:95.